



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,832	06/26/2003	Tokimori Tomita	122.1046CD2	4081

21171 7590 01/27/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,832

Applicant(s)

TOMITA ET AL.

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/24/2005.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3622

FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTION — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

2. Claims 1-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ikeda 5,937,39 (08/10/1999) (herein referred to as "Ikeda").

As per claim 1, Ikeda (col. 4, ll. 17-26) discloses: *"The service provider who generates an online shopping mall on a home page can get from a subscriber a member charge. . . ."*

Ikeda (col. 13, ll. 50-60) discloses: *"each shop can provide a customer with their own and attractive services. . . ."*

Ikeda (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; FIG. 19; col. 1, ll. 1-10; col. 1, ll. 36-67; col. 2, ll. 10-67; col. 3, ll. 44-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 4-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-57) shows: "A point management system employing a computer for managing points issued to each customer who receives service according to the issued points, comprising: point issue means for issuing the points to the customer according to the transactions performed by the customer; point accumulation means for calculating and accumulating the issued points of a current transaction and issued point[sic] of a previous transaction; point notification means for instantaneously notifying the customer of cumulative point information comprising

Art Unit: 3622

the issued points; and customer identification means for identifying the customer according to customer identification information; wherein the point notification means includes service contents storage means . . . and instantaneously notifies the customer of the read data through a terminal, wherein a number of the customer's cumulative points may be redeemed. . . .”

Ikeda lacks an explicit showing of “service contents storage means for storing a list of types of services and corresponding points. . . . [and] cumulative points may be redeemed for a number of the types of services.”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda at least at (col. 13, ll. 50-60; and col. 4, ll. 17-26) as well as Ikeda (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; FIG. 19; col. 1, ll. 1-10; col. 1, ll. 36-67; col. 2, ll. 10-67; col. 3, ll. 44-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 4-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-57; and whole document) implicitly shows: “service contents storage means for storing a list of types of services and corresponding points. . . . [and] cumulative points may be redeemed for a number of the types of services. . . .” and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as implicitly showing “service

Art Unit: 3622

contents storage means for storing a list of types of services and corresponding points. . . . [and] cumulative points may be redeemed for a number of the types of services. . . .”, because modification and interpretation of the cited disclosure of Ikeda would have provided means for *“improving the quality of the services for customers. . . .”* (see Ikeda (col. 2, ll. 17-19)), based on the motivation to modify Ikeda by *“shortening the time required from the issuance of points to the redemption of the points. . . .”* (see Ikeda (col. 2, ll. 15-17)).

Claim 2 is rejected for substantially the same reasons as claim 1.

As per claim 3, Ikeda shows the system of claim 1.

Ikeda lacks an explicit showing of the red striped graph of claim 3.

“Official Notice” is taken that both the concepts and the advantages of the red striped graph of claim 3 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Ikeda at least at (col. 13, ll. 50-60; and col. 4, ll. 17-26) as well as Ikeda (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; FIG. 19; col. 1, ll. 1-10; col. 1, ll. 36-67;

Art Unit: 3622

col. 2, ll. 10-67; col. 3, ll. 44-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 4-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-57; and whole document) as implicitly showing the red striped graph of claim 3 because modification and interpretation of the cited disclosure of Ikeda to show such a graph would have provided means for *“improving the quality of the services for customers. . . .”* (see Ikeda (col. 2, ll. 17-19)), based on the motivation to modify Ikeda by showing graphically the *“shortening the time required from the issuance of points to the redemption of the points. . . .”* (see Ikeda (col. 2, ll. 15-17)).

As per claim 4, Ikeda shows the system of claim 3.

Ikeda lacks an explicit showing of target points and corresponding electronic services of claim 4.

“Official Notice” is taken that both the concepts and the advantages of the target points and corresponding electronic services of claim 4 were well known and expected in the art by one of ordinary skill at the time of the invention, because it would have been obvious at the time the invention was made to a person having ordinary skill in the art to interpret and modify the disclosure of Ikeda at least at (col. 13, ll. 50-60; and col. 4, ll. 17-26) as well as Ikeda (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10;

Art Unit: 3622

FIG. 11; FIG. 12; FIG. 13; FIG. 14; FIG. 15; FIG. 16; FIG. 17; FIG. 18; FIG. 19; col. 1, ll. 1-10; col. 1, ll. 36-67; col. 2, ll. 10-67; col. 3, ll. 44-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 4-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-57; and whole document) as implicitly showing the target points and corresponding electronic services of claim 4, because modification and interpretation of the cited disclosure of Ikeda to show such a graph of the target points and corresponding electronic services of claim 4, would have provided means for “*improving the quality of the services for customers. . . .*” (see Ikeda (col. 2, ll. 17-19)), based on the motivation to modify Ikeda by showing graphically the “*shortening the time required from the issuance of points to the redemption of the points. . . .*” (see Ikeda (col. 2, ll. 15-17)).

Claim 5 is rejected at least for substantially the same reasons as claim 1.

Claim 6 is rejected at least for substantially the same reasons as claim 1.

Claim 7 is rejected at least for substantially the same reasons as claim 1.

Claim 8 is rejected at least for substantially the same reasons as claim 1.

Art Unit: 3622

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED
PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or
(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to John L. Young who may be reached via telephone at (703) 305-3801 or
(571) 272-6725. The examiner can normally be reached Monday through Friday between 8:30
A.M. and 5:00 P.M.

Serial Number: 10/603,832

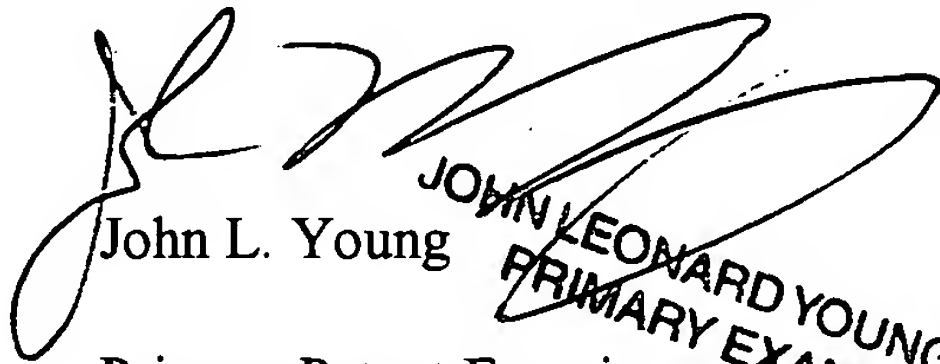
(Tomita et al.)

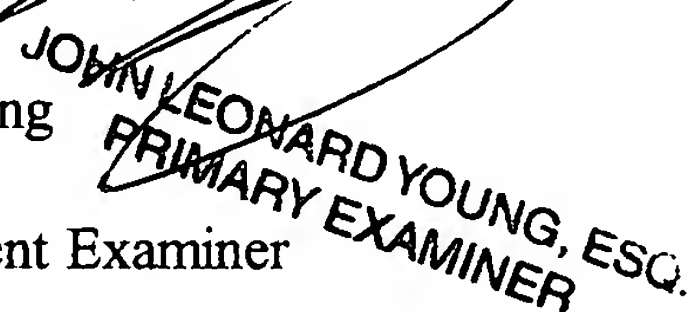
9

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young
Primary Patent Examiner


JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

January 24, 2005